

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20305

Intelligence Community Staff

DCI/IC-76-1238

MEMORANDUM FOR: Members of the Committee on Foreign Intelligence
SUBJECT : Revision of NSCIDs

1. Reference is paragraph 8(b) of the Executive Order, "United States Foreign Intelligence Activities," dated 18 February 1976, which provides that "all existing" National Security Council Intelligence Directives shall be amended to be consistent with the Order within 90 days of its effective date.

2. It is not considered feasible to substitute CFIDs for the NSCID series for several reasons:

a. The E.O. specifically calls for amendment of the NSCIDs (Sec. 8(b)).

b. The CIA is charged in the E.O. to collect intelligence "in accordance with directives of the National Security Council" (Sec. 4(b)(2)), and to conduct services of common concern "as directed by the National Security Council," (Sec. 4(b)(6)).

c. The existing NSCIDs assign certain responsibilities to the Secretary of State and the Secretary of Defense. A CFI authority to task the departmental secretaries has not been stated.

3. To expedite action on revision of the NSCIDs, CFI decision is needed on several questions.

4. Should the NSCIDs be rewritten so as to make them unclassified? It is recommended the answer be "No." To be effective, NSCIDs must deal with Intelligence Community problems at whatever classification the subject matter calls for--and at least some portions of the present NSCIDs deservedly bear a high classification.

5. Should the text of the Executive Order be included in the classified NSCIDs?

a. Following issuance of the President's memorandum of 5 November 1971 on "Organization and Management of the U.S. Foreign Intelligence Community," all of the material in the memorandum was incorporated in a reissued set of NSCIDs in February 1972. NSCID No. 1, "Basic Duties and Responsibilities," was the vehicle which reexpressed the President's memorandum.

b. Given the legal status of an Executive Order, in contrast to that of a memorandum, question can be raised as to whether there is any need to restate provisions of the E.O. in a corresponding NSCID.

c. If the decision is that whatever is contained in the E.O. need only be referenced as appropriate in a NSCID, several of the existing NSCIDs could be markedly reduced in length.

d. It is recommended the CFI approve merely referencing the E.O. as appropriate in the revised NSCIDs, with no attempt to reproduce the text of the E.O.

6. Should the revised NSCIDs be incorporated into a single omnibus NSCID or should the NSCIDs be reissued as separate documents, as in the present series?

a. If the decision is to include all of the E.O. text in the NSCIDs, an omnibus NSCID combining unclassified and classified material would be quite a lengthy document.

b. The combined length of the present series of eight NSCIDs is 25 printed pages. Even if material covered in the E.O. is not to be included in the NSCID text, a single omnibus document still could be quite lengthy. Any attempt to amend one portion of such an omnibus document could pose the risk of opening up the entire text to review.

c. Mr. Colby was quite interested in having an omnibus NSCID developed, and the project reached the point at which a draft was submitted for USIB consideration. The draft was withdrawn at the request of OSD on the ground that action should be deferred pending the outcome of the ongoing investigations.

d. Mr. Colby had originally wanted the omnibus NSCID written as an unclassified document so he would be able to answer charges that he was operating under a "secret charter." He was persuaded that the initial effort should be to write an omnibus NSCID at the Secret level, and then determine what might need to be done to it to eliminate the classification entirely.

e. The issuance of the new E.O. of 18 February in many ways meets the objective which Mr. Colby had in initiating the omnibus NSCID project.

7. Should the present set of eight NSCIDs, each addressing a different subject, be retained, or should those NSCIDs, subject matter of which is adequately addressed by the E.O. be rescinded without replacement?

a. The numbering system and subject categories of the present NSCID series is the basis for the numbering and subject coverage of the existing Director of Central Intelligence Directives. All elements of the Intelligence Community are familiar with this system. Change in the NSCID numbering system and subject coverage would require establishment of a new DCID system, or a decision that the DCID classification system need not be based on a corresponding NSCID.

b. Preliminary review suggests that three of the existing eight NSCIDs (No. 2, "Coordination of Overt Collection Activities;" No. 3, "Coordination of Intelligence Production;" and No. 7, "Critical Intelligence Communications") could be rescinded--assuming it is not necessary to reproduce text of the E.O. in the appropriate NSCID--because their essential elements are now covered by the E.O. If reissued, each of these three NSCIDs could be very brief.

c. Choice between these alternatives is virtually a toss-up, but a decision to rescind unneeded NSCIDs and develop a new reference system for DCIDs is recommended.

8. Although all of the NSCIDs will be given careful review, the only existing NSCID requiring major revision is No. 1, "Basic Duties and Responsibilities." The organizational structure now presented in NSCID No. 1 has been virtually eliminated by the new

E.O. Moreover, the new E.O. does not mention certain long-standing DCI functions which have proved important in practice. Functions which are not mentioned in the E.O., probably because of classification, but are in the NSCID, are the DCI responsibility to formulate policies "with respect to arrangements with foreign governments on intelligence matters," and to disseminate intelligence to foreign governments and international bodies upon his determination that this will promote the security of the United States.

9. In summary, it is requested the Committee approve one of the following as the course of action to be followed for amending the existing NSCIDs as directed in the Executive Order:

a. Incorporate the text of the E.O. into the NSCID series, retaining the present titles and numbering system, and developing new NSCIDs as necessary to cover material in the E.O., but not now the subject of a NSCID.

b. Incorporate the text of the E.O. into a single classified omnibus NSCID encompassing both the E.O. and pertinent provisions of the existing NSCIDs.

c. Reference the E.O. as appropriate (but make no attempt to incorporate wording of the E.O. text) and amend the existing set of NSCIDs as classified documents, expanding upon the E.O. and retaining necessary NSCID direction not covered by the new E.O. All eight of the present NSCIDs would be reissued.

d. Reference the E.O. as appropriate, amend those NSCIDs which need to be retained as classified documents, and request rescission of those NSCIDs which are adequately covered in the new E.O. This would eliminate the present numbering system on which the DCIDs are based.

e. Reference the E.O. as appropriate, rescind all of the existing NSCIDs and issue a new omnibus NSCID as a single classified document including those NSC directions needed to expand upon the new E.O. and retaining essential material in the present NSCIDs which is not addressed in the E.O. Under this alternative, directions to the Intelligence Community would be included in an unclassified Executive Order, a single classified NSCID, such action memoranda and other directives as are included in the Committee on Foreign Intelligence Directives, and such detailed directives amplifying the foregoing as are issued by the Director of Central Intelligence in his DCIDs.

10. It is recommended that the Committee approve either "d." or "e." above.

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Intelligence Community